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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Liqin Sun

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EXAMINER

CLARK, AMY LYNN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/648,026	Applicant(s) SUN, LIQIN	
	Examiner Amy L. Clark	Art Unit 1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,12,14,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,12,14,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the receipt and entry of the amendment filed on 30 July 2008 with the cancellation of claim 4, and newly added claim 21.

Claims 1, 2, 5, 6, 12, 14, 17, 19 and 20 have been examined on the merits.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any rejections found in the previous Office Action and not repeated herein have been withdrawn based upon Applicants' declaration.

Claim Objections

Claim 14 is objected to because of the following informalities: and is missing before "a protection layer" in line 8. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 5, 6, 14, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of claims 5, 6 and 20 are rendered uncertain by the phrase "wherein the medication further comprises" because it is unclear if Applicant is claiming the medication itself further comprises the ingredients claimed or if Applicant

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means that the adhesive strip or other part of the transdermal patch comprises these ingredients. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

The metes and bounds of claims 14 and 19 are rendered uncertain by the phrase "being disposed to cover" because it is unclear if Applicant is claiming that the layer is disposable or if the layer is covering the sensitivity reduction layer and upon application of the transdermal patch that the protection layer is absorbed or disintegrated by the skin. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 103

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz (N, JP 11-158081 A, Translation provided herein), in view of Kim (O, WO 01087276 A1) and Panoz (B, US 4592753 A).

Fuisz teaches a drug delivery system comprising one or more kinds of drugs of a transdermal preparation agent distribution system, wherein the drug delivery system is a percutaneous drug delivery system comprising a multilayered polymeric patch having an upper layer, preferably prepared from an impermeable polymer or a foil in order to prevent the drug passing through the tip of the delivery system from leaking a control membrane forming an internal chamber and a lower layer, housing an interferon in the chamber and capable of locally and subcutaneously delivering a drug to a skin cancer, a lesion or infectious disease without introducing the drug into the blood stream. Fuisz

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further teaches that the lower layer functions as a release sheet covering one or more regions of a bonding material. Fuisz further teaches that when the delivery system is stuck to skin, the lower layer is arranged in directly adjacent to the skin and the upper layer is sealed with a control membrane so as to create the first chamber and, optionally, a second chamber. Fuisz further teaches that the one or more "bags (pouches)" which accommodates drugs (single or plurality) which should be supplied with a patch is sandwiched among interlayers of a patch and that the lower layer (layer attached to a patient's skin removable) of a patch has one or more fields which consist of adhesive materials. Fuisz further teaches that an adhesive material is exposed and activated in order to attach a patch to an adequate position of the skin and that it is removable. Fuisz further teaches the adhesive material has a wrap release (release) sheet and that the supply of drugs is administered by applying the patch for a predetermined time until the patch is removed and/or it is exchanged. Fuisz further teaches that if the seal of the drugs (single or plurality) which are to be supplied is administered via the penetrable polycarbonate membrane instead of the upper layer which forms one or more inner chambers and when pressure is applied, the film will explode and supply of drugs (single or plurality) may be started.

Kim teaches a hydrogel composition for transdermal drug delivery, wherein the hydrogel composition for transdermal drug delivery contains acrylate polymers, like acrylic acid polymer, methacrylic acid polymer, alkyl acrylate polymer, alkyl methacrylate polymer or copolymers thereof as compatibilizers which enable both hydrophilic and lipophilic permeation enhancers to be applicable in the hydrogel

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composition in order to effectively control skin penetration of drugs. Kim further teaches that the transdermal hydrogel base composition of the present invention can be used as the adhesive part of any transdermal delivery system or in a matrix type apparatus comprising an adhesive monolayer, wherein the matrix type transdermal administration apparatus comprises an impenetrable, a polymer base including the drug and enhancer, and a protection film to be removed before use. Kim further teaches that the hydrogel base composition of the present invention can be used as the polymer base and that the hydrogel base composition of the present invention may be used by adhering it to a common auxiliary base, such as an impenetrable support. Kim further teaches that for the common auxiliary base, silk may be used. Kim further teaches that it was well known in the art that hydrogel patches for transdermal delivery of drugs were known to have an impervious backing layer, an adhesive layer containing the drug and a release liner that is peeled off and discarded prior to applying the patch to the skin.

Panoz teaches a device for transdermal administration of a drug that comprises a reservoir containing the drug and a supporting strap, or band, which substantially surrounds a limb of the patient and holds the reservoir in position on a limb of the patient. Panoz further teaches that the reservoir is generally non permeable to the drug, but has a membrane, or plate, of defined surface area through which said drug can pass. Panoz further teaches that this membrane or plate is held against the patient's skin to allow the drug to be absorbed and that the device further includes cooperating locking mechanisms for detachably securing the reservoir on the strap or band whereby the supply of drug can be replenished by removing the spent reservoir and inserting a

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fresh one containing a new supply of the drug. Panoz further teaches that the membrane may consist of any suitable plastics material or any inorganic or organic woven or non-woven fabric permeable to the drug being administered or any plastics material, inorganic or organic woven or non-woven fabric, or non-plastics material such as aluminum foil which has a system of evenly distributed micropores throughout its surface area which permit the transfer of a drug to the skin surface.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transdermal delivery patch taught by Fuisz to prove the instantly claimed invention because at the time the invention was made, a transdermal delivery patch comprising a lining that holds the drug material (medication), a foil lining, a drug storage layer, a release control film below the storage layer to control the release of the medication over a period of time, and a sensitivity reduction layer below the release film that is connected to the release control film, as clearly taught by Fuisz, as was a transdermal drug delivery system comprising a hydrogel composition, wherein the hydrogel composition for transdermal drug delivery contains acrylate polymers, like acrylic acid polymer, methacrylic acid polymer, alkyl acrylate polymer, alkyl methacrylate polymer or copolymers thereof as compatibilizers which enable both hydrophilic and lipophilic permeation enhancers to be applicable in the hydrogel composition in order to effectively control skin penetration of drugs, that the hydrogel delivery system comprises a protection film to be removed before use, that the hydrogel base composition of the present invention may be used by adhering it to a common auxiliary base, such as an impenetrable support and that as the common auxiliary base,

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silk may be used, as clearly taught by Kim and that a transdermal administration system may contain an aluminum foil lining, as clearly taught by Panoz. It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the transdermal patch taught by Fuisz by employing silk as a lining material and to provide a protective strip that is removable when applied to skin, as taught by Kim and to provide aluminum foil as the lining foil, as taught by Panoz, since Fuisz beneficially teaches that the patch can have a foil lining, that the bag holding the medicine may be lined, and that the patch has an adhesive strip for application to the skin and for the following reasons:

It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980); *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); and *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992). As the court explained in Crockett, the idea of combining them flows logically from their having been individually taught in prior art. Therefore, since Fuisz teaches a transdermal delivery patch comprising a lining that holds the drug material (medication), a foil lining, a drug storage layer, a release control film below the storage layer to control the release of the medication over a period of time, and a sensitivity reduction layer below the release film that is connected to the release control film, Kim teaches a transdermal drug delivery system comprising a hydrogel composition, wherein the

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hydrogel composition for transdermal drug delivery contains acrylate polymers, like acrylic acid polymer, methacrylic acid polymer, alkyl acrylate polymer, alkyl methacrylate polymer or copolymers thereof as compatibilizers which enable both hydrophilic and lipophilic permeation enhancers to be applicable in the hydrogel composition in order to effectively control skin penetration of drugs, that the hydrogel delivery system comprises a protection film to be removed before use, that the hydrogel base composition of the present invention may be used by adhering it to a common auxiliary base, such as an impenetrable support and that as the common auxiliary base, silk may be used, and Panoz teaches that a transdermal administration system may contain an aluminum foil lining, it would have been obvious to combine these ingredients with the expectation that such a combination would provide the instantly claimed transdermal patch. Thus, combining them flows logically from their having been individually taught in prior art.

From the teachings of the references, it is apparent that one of ordinary skill in the art one would have been motivated to modify the adhesive transdermal patch taught by Fuisz by employing silk as a lining material and to provide a protective strip that is removable when applied to skin, as taught by Kim and to provide aluminum foil as the lining foil, as taught by Panoz, since Fuisz beneficially teaches that the patch can have a foil lining, that the bag holding the medicine may be lined, and that the patch has an adhesive strip for application to the skin. Thus, the transdermal patch taught by Fuisz modified by the teachings of Kim and Panoz would have been expected to be even more effective in administering medication by slowly releasing the medication by

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keeping the medication inside of the compartment it is held in by having the two linings and by keeping the adhesive strip tacky for better adhesion to the skin by keeping the adhesive sealed with a strip until use, as clearly taught by the above references.

One of ordinary skill in the art would have had a reasonable expectation of success to utilize the following components, which when combined would provide an effective transdermal patch: a silk lining, aluminum foil as the foil used to line the patch and a lining over the adhesive strip to be removed when used prior to adhering the patch to skin, based upon the teachings of Fuisz, Kim and Panoz, to provide a beneficial adhesive transdermal patch, since these components were well known that when combined, would provide an effective transdermal patch for administering medication.

Although Fuisz does not expressly teach that the transdermal patch is administered to an acupoint on the skin, it would have been obvious to one of ordinary skill in the art, one would have been motivated and one of ordinary skill in the art would have had a reasonable expectation of success, at the time the invention was made, to administer the transdermal patch to an acupoint on a patient's body because at the time the invention was it was known that a transdermal patch can be applied to an area in need of medication to be dispensed. Therefore, it would have been obvious to determine where to apply the transdermal patch and to apply the transdermal patch to an acupoint on a person's skin, as claimed by Applicant.

Based upon the beneficial teachings of the cited references, the skill of one of ordinary skill in the art, and absent evidence to the contrary, there would have been a

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reasonable expectation of success to result in the claimed invention.

Accordingly, the claimed invention was prima facie obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz (N, JP 11-158081 A, Translation provided herein), in view of Kim (O, WO 0187276 A1), Panoz (B, US 4592753 A), Quan (P, WO 9926571 A1, Abstract only), Matsumoto et al. (Q, JP 2000-044481 A, Translation provided herein), and Tian (R, CN 1113149 A, Abstract only).

The teachings of Fuisz are set forth above and applied as before.

The teachings of Kim are set forth above and applied as before. Kim further teaches that polyacryl amide can be added to the medication to be dispensed via the transdermal hydrogel patch. Please note that polyacryl amide is an example of a nitrogen ketone.

The teachings of Panoz are set forth above and applied as before.

Quan teaches a transdermal delivery device for delivering a chemical agent to the skin comprising an impermeable backing layer, and a pressure-sensitive adhesive layer for adhering the device for transdermal delivery, wherein the pressure-sensitive layer has a degree for adhesiveness sufficient to allow the device to remain on the skin for a sufficient period of time to deliver the chemical agent on the skin for a sufficient period of time to deliver the chemical agent and then be readily removed with minimal

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skin irritation or damage and that the pressure-sensitive adhesive is an acrylic copolymer, rubber or latex. Quan further teaches that the patch can be applied to sensitive skin, like the face or the eyes.

Matsumoto teaches a topical anti-inflammatory and anti-itch medication for skin (please note that pink eye and chicken pox are examples of sources of itching and inflammation caused by infectious disease) comprising an extract obtained from angelicae radix, which reads on Tangkuei, sage brush, which reads on Salvia, please note that Matsumoto teaches that any part of the Salvia plant may be used, and Ligusticum. Matsumoto teaches that the plants may be extracted with water and the raw plant material is extracted repeatedly, then filtered over charcoal and dried. Matsumoto further teaches that the extracts are present in an amount of 0.001 to 20 wt. %, and when mixed, the weight of the mixed extracts is 0.1 to 10 wt. %, preferably.

Tian teaches an anti-inflammation medication comprising chrysanthemum extract obtained by soaking the chrysanthemum in water and filtering. Tian further teaches that the medicine obtained can be applied to the Jenchung acupoint of a patient, and has the notable effects of alleviating pain and relieving inflammation from toothache, pink eye (infectious disease), otitis media, sore-throat, gastralgia and fever and headache due to a common cold.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transdermal patch taught by Fuisz to prove the instantly claimed invention because at the time the invention was made, a transdermal delivery patch comprising a lining that holds the drug material (medication), a foil lining,

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a drug storage layer, a release control film below the storage layer to control the release of the medication over a period of time, and a sensitivity reduction layer below the release film that is connected to the release control film, as clearly taught by Fuisz. It was also known that a transdermal drug delivery system comprising a hydrogel composition, wherein the hydrogel composition for transdermal drug delivery contains acrylate polymers, which were combinable with drugs for slower release, that the hydrogel delivery system comprises a protection film to be removed before use, and that silk may be used as a base material, as clearly taught by Kim, as was that a transdermal administration system may contain an aluminum foil lining, as clearly taught by Panoz. It was also known that pressure sensitive latex is a suitable substitution for a copolymer in a transdermal drug delivery system, as clearly taught by Quan, that a composition for treating inflamed and itchy skin comprising a dried, aqueous extract of sage brush, wherein the sage used can be from any part of the sage plant, Ligusticum and Tangkuei (Angelica could be applied topically in the form of a solubilization system, which reads on hydrogel or transdermal patch, and that it), as clearly taught by Matsumoto and that a dried, aqueous extract of chrysanthemum could be applied topically to an acupoint on a patient, as clearly taught by Tian. Based upon the beneficial teachings of Fuisz, Kim, Panoz, Quan, Matsumoto and Tian, adding silk to the lining, employing aluminum foil as a lining material, providing a protective strip that is removable when applied to skin, and employing a composition comprising a dried aqueous extract of Ligusticum, salvia root, tangkuei and chrysanthemum, wherein the dried aqueous extracts can further be combined with a pressure-sensitive latex, a

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nitrogen ketone or a polyacrylic adhesive as the medication in a transdermal patch would have been obvious. It would also have been obvious to combine these teachings for the following reasons:

It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980); *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); and *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992). As the court explained in Crockett, the idea of combining them flows logically from their having been individually taught in prior art. Therefore, since Fuisz teaches a transdermal delivery patch comprising a lining that holds the drug material (medication), a foil lining, a drug storage layer, a release control film below the storage layer to control the release of the medication over a period of time, and a sensitivity reduction layer below the release film that is connected to the release control film, Kim teaches a transdermal drug delivery system comprising a hydrogel composition, wherein the hydrogel composition for transdermal drug delivery contains acrylate polymers, like acrylic acid polymer, methacrylic acid polymer, alkyl acrylate polymer, alkyl methacrylate polymer or copolymers thereof as compatibilizers which enable both hydrophilic and lipophilic permeation enhancers to be applicable in the hydrogel composition in order to effectively control skin penetration of drugs, that the hydrogel delivery system comprises a protection film to be removed before use, that the hydrogel

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base composition of the present invention may be used by adhering it to a common auxiliary base, such as an impenetrable support and that as the common auxiliary base, silk may be used, Panoz teaches that a transdermal administration system may contain an aluminum foil lining, Quan teaches that pressure sensitive latex is a suitable substitution for a copolymer in a transdermal drug delivery system, Matsumoto teaches that a composition for treating inflamed and itchy skin comprising a dried, aqueous extract of sage brush, wherein the sage used can be from any part of the sage plant, Ligusticum and Tangkuei (Angelica could be applied topically in the form of a solubilization system, which reads on hydrogel or transdermal patch, and that it), and Tian teaches that a dried, aqueous extract of chrysanthemum could be applied topically to an acupoint on a patient, it would have been obvious to combine these ingredients with the expectation that such a combination would provide the instantly claimed transdermal patch. Thus, combining them flows logically from their having been individually taught in prior art.

From the teachings of the references, it is apparent that one of ordinary skill in the art one would have been motivated to modify the adhesive transdermal patch taught by Fuisz by employing silk as a lining material and to provide a protective strip that is removable when applied to skin, to provide aluminum foil as the lining foil, and to combine pressure sensitive latex, nitrogen ketone or a polyacrylic adhesive with a composition for treating inflamed and itchy skin comprising a dried, aqueous extract of sage brush, wherein the sage used can be from any part of the sage plant, Ligusticum and Tangkuei (Angelica) and chrysanthemum, taught by Kim, Panoz, Quan, Matsumoto

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and Tian, since Fuisz beneficially teaches that a transdermal patch for administering medication has a foil lining, that the bag holding the medicine may be lined, and that the patch has an adhesive strip for application to the skin. Thus, the transdermal patch taught by Fuisz modified by the teachings of Kim, Panoz, Quan, Matsumoto and Tian would have been expected to be even more effective in administering medication by slowly releasing the medication by keeping the medication inside of the compartment it is held in by having the two linings and by keeping the adhesive strip tacky for better adhesion to the skin by keeping the adhesive sealed with a strip until use, as clearly taught by the above references.

One of ordinary skill in the art would have had a reasonable expectation of success to utilize the following components, which when combined would provide an effective transdermal patch for administering medication: a silk lining, aluminum foil as the foil used to line the patch and a lining over the adhesive strip to be removed when used prior to adhering the patch to skin, and to combine pressure sensitive latex, nitrogen ketone or a polyacrylic adhesive with a composition for treating inflamed and itchy skin comprising a dried, aqueous extract of sage brush, wherein the sage used can be from any part of the sage plant, Ligusticum and Tangkuei (Angelica) and chrysanthemum based upon the teachings of Fuisz, Kim, Panoz, Quan, Matsumoto and Tian to provide a beneficial adhesive transdermal patch, since these components were well known that when combined, would provide an effective transdermal patch for administering medication.

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Although Fuisz does not expressly teach that the transdermal patch is administered to an acupoint on the skin, it would have been obvious to one of ordinary skill in the art, one would have been motivated and one of ordinary skill in the art would have had a reasonable expectation of success, at the time the invention was made, to administer the transdermal patch to an acupoint on a patient's body because at the time the invention was it was known that a transdermal patch can be applied to an area in need of medication to be dispensed. Therefore, it would have been obvious to determine where to apply the transdermal patch and to apply the transdermal patch to an acupoint on a person's skin, as claimed by Applicant.

Based upon the beneficial teachings of the cited references, the skill of one of ordinary skill in the art, and absent evidence to the contrary, there would have been a reasonable expectation of success to result in the claimed invention.

Accordingly, the claimed invention was prima facie obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Response to Amendment

The declarations under 37 CFR 1.132 filed 10/18/2007 are sufficient to overcome the rejection of claims 1-6, 12-14 and 17 based upon the following: the copyright date of 2000, does not appear to be the date of the reference, based upon the dates of the clinical trials held in 2002. It appears that the reference was dated sometime either in or after late 2002, due to the fact that it cites that the clinical trials were held in 2002

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spanning from January to November. Further, Applicant has demonstrated that this is Applicant's claimed invention, that no written information was available or provided, with regards to claimed invention, prior to the publication of the invention after the clinical trials and that the date at the bottom of the page is not the web publication date. These facts, taken in combination, are sufficient to overcome the rejection under 102(a).

Please note that it appears that the rejection had been dropped in the previous Office Action; however, there was nothing on the record discussing Applicant's declaration filed on 10/18/2007, which is why it is being addressed in this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy L. Clark whose telephone number is (571) 272-1310. The examiner can normally be reached on Monday to Friday between 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher R. Tate/
Primary Examiner, Art Unit 1655

ALC
Examiner, AU 1655